

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1-10, 12-16, 19, 22-25, and 27-29 have been amended, and claims 11, 17, 18, 20, 21, and 26 have been canceled. Support for the amendments is provided at least in the original claims. The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection.

Claims 1, 2, 6-8, 12, 15-18, 20, 21, 28, and 29 were rejected, under 35 USC §102(e), as being anticipated by Sudo et al. (US 2004/0233838). Claims 3 and 4 were rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Kadous (US 2005/0063378). Claim 5 was rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Anim-Appiah (US 7,295,517). Claim 9 was rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Chow et al. (US 7,050,395). Claim 10 was rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Ishii et al. (US 2005/0096089). Claim 11 was rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Moisio (US 2003/0054829). Claim 13 was rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Sudo (US 2003/0189917). Claim 19 was rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Tanaka (US 2004/0235485). Claims 14, 22-25, and 27 were rejected, under 35 USC §103(a), as being unpatentable over Sudo et al. (US 2004/0233838) in view of Walton et al. (US 7,020,110). Claim 26 was rejected, under 35 USC §103(a), as being

unpatentable over Sudo et al. (US 2004/0233838) in view of Atarashi et al. (US 7,372,889). To the extent that these rejections may be deemed applicable to the amended claims presented herein, the Applicants respectfully traverse as follows.

Claim 1 now recites subject matter of canceled claim 11 and defines a communication terminal apparatus that: (1) acquires the number of communication terminal apparatuses in a communication system and (2) repeats a report signal when the acquired number of communication terminal apparatuses is equal to or less than a predetermined value.

The Final Rejection acknowledges that Sudo '838 does not disclose the instant claimed subject matter of repeating a report signal when an acquired number of communication terminal apparatuses is equal to or less than a predetermined value (see Final Rejection section 23, lines 4-6). To overcome this deficiency, the Final Rejection proposes that Moisio discloses repeatedly sending a report (see page 12, lines 2-3).

However, it is submitted that Moisio does not disclose the Applicants' claimed condition for sending a report repeatedly. Specifically, the Applicants' claimed communication terminal repeats a report signal when an acquired number of communication terminals within a communication system is equal to or less than a predetermined value. Moisio does not disclose this particular condition for determining whether to repeat a report signal, and the Final Rejection does not propose otherwise.

Accordingly, the Applicants submit that even if Sudo '838 and Moisio were combined as proposed in the Office Action, the result still would lack the above-noted subject matter of present claim 1, and thus, the teachings of these references, considered individually or in combination, do not render obvious the subject matter now defined by claim 1. Independent

claim 28 similarly recites the above-mentioned subject matter distinguishing apparatus claim 1 from Sudo '838 and Moisio, but does so with respect to a method. Therefore, the rejections applied to claims 2-10, 12-14, and 19 are deemed to be obviated, and allowance of claims 1 and 28 and all claims dependent therefrom is considered to be warranted.

Amended claims 15 and 29 now recite subject matter of canceled claim 26. Claim 26 was rejected as being obvious over Sudo '838 in view of Atarashi.

However, the present application is a national stage application based on an international application filed January 27, 2005, that is based on Japanese patent application number 2004-021198, filed January 29, 2004, and Japanese patent application number 2005-018149, filed January 26, 2005. The subject matter of amended claims 15 and 19 is supported by priority application number 2004-021198. So as to perfect their claim to priority based on Japanese application number 2004-021198 and disqualify Atarashi as a prior art reference, the Applicants submit herewith an English translation of this priority application with a certification that the translation is accurate.

Accordingly, it is respectfully submitted that Atarashi is disqualified as a reference against claims 15 and 29. Therefore, the rejections applied to claims 16, 22-25, and 27 are deemed to be obviated, and allowance of claims 15 and 29 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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